



**REPORT OF THE AUDITOR OF PUBLIC ACCOUNTS
AUDIT EXAMINATION OF THE
HART COUNTY
SHERIFF'S SETTLEMENT - 1998 TAXES**

September 2, 1999

**EDWARD B. HATCHETT, JR.
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Edward B. Hatchett, Jr. Auditor of Public Accounts

To the People of Kentucky

Honorable Paul E. Patton, Governor
John P. McCarty, Secretary
Finance and Administration Cabinet
Mike Haydon, Secretary, Revenue Cabinet
Honorable Terry Shelton, County Judge/Executive
Honorable Jeff Staples, Hart County Sheriff
Members of the Hart County Fiscal Court

Independent Auditor's Report

We have audited the Hart County Sheriff's Settlement - 1998 Taxes as of September 2, 1999. This tax settlement is the responsibility of the Hart County Sheriff. Our responsibility is to express an opinion on the financial statement based on our audit.

We conducted our audit in accordance with generally accepted auditing standards, Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. These standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

The Sheriff prepares his financial statement on a prescribed basis of accounting that demonstrates compliance with the cash basis and laws of Kentucky, which is a comprehensive basis of accounting other than generally accepted accounting principles.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the Hart County Sheriff's taxes charged, credited, and paid as of September 2, 1999, in conformity with the basis of accounting described in the preceding paragraph.

Based on the results of our audit, we present the accompanying comments and recommendations, included herein, which discusses the following areas of noncompliance:

- The Sheriff Should Close Out His 1998 Tax Account
- The Sheriff Should Close Out His 1997 Tax Account
- The Sheriff Should Have Required Depository Institutions To Pledge Additional Securities Of \$236,044 As Collateral To Protect Deposits

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Members of the Hart County Fiscal Court

In accordance with Government Auditing Standards, we have also issued a report dated October 6, 1999, on our consideration of the Sheriff's compliance with certain laws and regulations and internal control over financial reporting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Hatchett", with a long horizontal flourish extending to the right.

Edward B. Hatchett, Jr.
Auditor of Public Accounts

Audit fieldwork completed -
October 6, 1999

HART COUNTY
JEFF STAPLES, SHERIFF
SHERIFF'S SETTLEMENT - 1998 TAXES

September 2, 1999

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 315,719	\$ 332,719	\$ 1,555,570	\$ 530,824
Tangible Personal Property	30,655	31,256	125,096	124,187
Intangible Personal Property				30,317
Fire Protection	2,208			
Franchise Corporation	58,899	60,332	219,386	
Oil Property	308	325	1,347	518
Undeveloped Oil and Gas	15	16	66	25
LSG Reserves	52	55	309	87
Increased Through Erroneous Assessments	138	145	731	232
Penalties	3,869	4,052	18,007	7,202
Adjusted to Sheriff's Receipt	34	52	221	65
Gross Chargeable to Sheriff	<u>\$ 411,897</u>	<u>\$ 428,952</u>	<u>\$ 1,920,733</u>	<u>\$ 693,457</u>
<u>Credits</u>				
Discounts	\$ 4,566	\$ 4,766	\$ 22,384	\$ 9,436
Exonerations	1,192	1,248	5,432	2,811
Delinquents:				
Real Estate	5,638	5,917	28,242	9,440
Tangible Personal Property	276	282	959	687
Intangible Personal Property				9
Uncollected Franchise Corporation	456	462	1,926	
Total Credits	<u>\$ 12,128</u>	<u>\$ 12,675</u>	<u>\$ 58,943</u>	<u>\$ 22,383</u>
Net Tax Yield	\$ 399,769	\$ 416,277	\$ 1,861,790	\$ 671,074
Less: Commissions (a)	<u>17,278</u>	<u>17,692</u>	<u>55,082</u>	<u>28,808</u>
Net Taxes Due	\$ 382,491	\$ 398,585	\$ 1,806,708	\$ 642,266
Taxes Paid	382,269	398,391	1,803,666	641,525
Refunds (Current Year)	<u>65</u>	<u>69</u>	<u>286</u>	<u>110</u>
Due Districts or (Refunds Due Sheriff) as of Completion of Fieldwork	<u>\$ 157</u>	<u>(b) \$ 125</u>	<u>(c) \$ 2,756</u>	<u>\$ 631</u>

(a), (b), and (c) - See Page 4

HART COUNTY
 JEFF STAPLES, SHERIFF
 SHERIFF'S SETTLEMENT - 1998 TAXES
 September 2, 1999
 (Continued)

(a) Commissions:

10% on	\$	10,000
4.25% on	\$	1,477,120
3.25% on	\$	1,319,194
2.25% on	\$	542,596

(b) Special Taxing Districts:

Library District	\$	(20)
Ambulance District		<u>145</u>

Due District or (Refund Due Sheriff)	\$	<u><u>125</u></u>
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(c) School Districts:

Common School District	\$	(835)
Caverna Independent School District		<u>3,591</u>

Due District or (Refund Due Sheriff)	\$	<u><u>2,756</u></u>
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The accompanying notes are an integral part of the financial statement.

HART COUNTY
NOTES TO FINANCIAL STATEMENT

September 2, 1999

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Sheriff maintains deposits with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to law, the depository institution should pledge sufficient securities as collateral which, together with FDIC insurance, equals or exceeds the amount on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge of securities should be evidenced by an agreement that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. This agreement, signed by both parties, must be sufficient to create an enforceable and perfected security interest in the collateral under Kentucky law. The Sheriff entered into a written agreement with the depository institution and met requirements (a), (b), and (c) stated above. However, as of December 10, 1998, the uncollateralized amount on deposit was \$236,044. The pledged securities and FDIC insurance did not equal or exceed the amount on deposit.

HART COUNTY
 NOTES TO FINANCIAL STATEMENT
 September 2, 1999
 (Continued)

Note 2. Deposits (Continued)

The county official's deposits are categorized below to give an indication of the level of risk assumed by the county official as of December 10, 1998.

	<u>Bank Balance</u>
Collateralized with securities held by pledging depository institution in the county official's name	\$ 2,000,000
Uncollateralized and uninsured	<u>236,044</u>
Total	<u><u>\$ 2,236,044</u></u>

Note 3. Property Taxes

The real and personal property tax assessments were levied as of January 1, 1998. Property taxes were billed to finance governmental services for the year ended June 30, 1999. Liens are effective when the tax bills become delinquent. The collection period for these assessments was October 15, 1998 through April 22, 1999.

Note 4. Interest Income

The Hart County Sheriff earned \$4,810 as interest income on 1998 taxes. The Sheriff owes interest of \$182 to the Caverna Independent School District and \$558 to the Hart County School District. The remaining interest income will be used to operate the Sheriff's office.

COMMENTS AND RECOMMENDATIONS

HART COUNTY
JEFF STAPLES, SHERIFF
COMMENTS AND RECOMMENDATIONS

September 2, 1999

STATE LAWS AND REGULATIONS:

1) The Sheriff Should Close Out His 1998 Tax Account

The Sheriff is due refunds from the Hart County School District - \$835 and Library District - \$20 for the overpayment of taxes. The Sheriff is also due \$296 from his fee account for the overpayment of taxes. The Sheriff should remit \$631 to the State, \$157 to the County, \$3,591 to the Caverna Independent School District, and \$145 to the Ambulance District based on our audit of the Hart County Sheriff's Settlement - 1998 Taxes. The Sheriff also owes interest of \$182 to the Caverna Independent School District and \$558 to the Hart County School District. In addition, the Sheriff should transfer remaining funds of \$5,721 from his 1998 tax account to his fee account. We recommend that the Sheriff make all these adjustments and close out his 1998 tax account.

Management's Response:

Will be taking care of immediately.

2) The Sheriff Should Close Out His 1997 Tax Account

The Sheriff is due refunds from the State - \$24, County - \$241, Hart County School District - \$360, and Ambulance District - \$97 for the overpayment of taxes. The Sheriff is also due \$694 in tax commissions from the Hart County School District. The Sheriff should remit \$568 to the Caverna Independent School District based on our audit of the Hart County Sheriff's Settlement - 1997 Taxes. The Sheriff also owes interest of \$184 to the Caverna Independent School District and \$589 to the Hart County School District. In addition, the Sheriff should transfer remaining funds of \$3,089 from his 1997 tax account to his fee account. We recommend that the Sheriff make all these adjustments and close out his 1997 tax account.

Management's Response:

Will be done immediately.

3) The Sheriff Should Have Required Depository Institutions To Pledge Additional Securities Of \$236,044 As Collateral To Protect Deposits

The Sheriff's deposits were not adequately secured by \$236,044 as of December 10, 1998. Under provisions of KRS 66.480(1)(d) and KRS 41.240(4), banks are required to provide pledges of securities as collateral for interest-bearing and non interest-bearing deposits if either exceeds the \$100,000 amount of insurance coverage provided by the Federal Deposit Insurance Corporation. We recommend that the Sheriff require depository institutions to pledge sufficient securities as collateral to protect deposits at all times.

Management's Response:

We will raise pledge of securities.

HART COUNTY
JEFF STAPLES, SHERIFF
COMMENTS AND RECOMMENDATIONS
September 2, 1999
(Continued)

INTERNAL CONTROL - REPORTABLE CONDITIONS:

None

INTERNAL CONTROL - MATERIAL WEAKNESSES:

None

PRIOR YEAR:

The following comment has not been corrected for the 1998 tax collection and are repeated in the current audit:

- The Sheriff Should Close Out His 1997 Tax Account

The Sheriff corrected the following prior year problem in his operations:

- All Tax Collections Should Be Deposited Intact Daily

REPORT ON COMPLIANCE
AND ON INTERNAL CONTROL OVER FINANCIAL
REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



Edward B. Hatchett, Jr.
Auditor of Public Accounts

Honorable Terry Shelton, County Judge/Executive
Honorable Jeff Staples, Hart County Sheriff
Members of the Hart County Fiscal Court

Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the Hart County Sheriff's Settlement – 1998 Taxes as of September 2, 1999, and have issued our report thereon dated October 6, 1999. We conducted our audit in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the Hart County Sheriff's Settlement – 1998 Taxes as of September 2, 1999 is free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Hart County Sheriff's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

Honorable Terry Shelton, County Judge/Executive
Honorable Jeff Staples, Hart County Sheriff
Members of the Hart County Fiscal Court
Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

This report is intended for the information of management. However, this report, upon release by the Auditor of Public Accounts, is a matter of public record and its distribution is not limited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Hatchett", with a long horizontal flourish extending to the right.

Edward B. Hatchett, Jr.
Auditor of Public Accounts

Audit fieldwork completed -
October 6, 1999

